

Remarks/Arguments

This amendment is in response to the Office Action dated March 22, 2005.

Claims 1-2, 4-6, 11-16, 18, 22-25, 27 and 32-33 remain in this application. Claims 3, 8, 10, 17, 19, 20, 26, 29, 30 and 34 have been canceled to expedite examination.

Claims 1, 15, 19-20, 23-24, 27-28 and 32-33 have been rejected under 35 USC 102(b) over Clark ('133).

The Office Action states that Clark teaches all the elements of the claims. Applicant disagrees.

The present claims require that the biological material be recovered from the top surface of the membrane that is in the well. Clark fails to teach or suggest this. Instead Clark uses an adhesive to remove the membrane from the well with the retentate (biological material) still on the membrane surface and then to detect the radioisotopes in the retentate directly. Clark neither teaches nor suggests to one of ordinary skill in the art to recover the retentate from the top surface of the membrane as is required by the present claims. In fact Clark teaches just the opposite. As such it fails to anticipate the current claims.

Moreover as to claim 28 it is limited to the recovery of proteins. As mentioned in the Office Action, Clark is related to nucleic acid filtration and still fails to teach or suggest recovering the protein from the top surface of the membrane. As such it fails to anticipate claim 28.

Claim 25 has been rejected under 35 USC 103(a) as being unpatentable over Clark ('133). Applicant disagrees.

Clark fails to teach the claimed vacuum or positive pressure range. Moreover as stated above Clark fails to teach or suggest the recovery of the retentate from the surface of the membrane

and moreover it fails to teach or suggest the process as being free of diafiltration. It is not the value of the vacuum or positive alone that is claimed and even those values would not have been obvious to one of ordinary skill in the art as there would exist a wide range of values to use. Even if it would have been obvious to one of skill in the art to use the claimed ranges Clark as described above fails to teach or suggest two other claimed elements and as such the prima facie case of obviousness is overcome and the claim is in condition for allowance.

Claims 2, 4, 6, 11-14, 16, 18 and 22 are indicated as being allowable.

It is believed that the present claims are in condition for allowance.

Reconsideration and allowance of the remaining claims is respectfully requested in view of the foregoing amendment and remarks.

Respectfully submitted,


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